

1 have enough then to -- to ask the Witness -- to show  
2 this to the Witness and see where we can go because  
3 this is again -- this is already in the record  
4 someplace.

5 MR. SHOOK: A similar document is.

6 JUDGE SIPPEL: Okay that's clear enough,  
7 okay. That's all I need. All right, you know you  
8 have a specific idea in mind with this Mr. Shook and  
9 anything that would add further clarification, if at  
10 all, would be helpful. So if you want to proceed with  
11 this?

12 MR. SHOOK: Yes I would. With that in  
13 mind Mr. Helgeson, did you have an opportunity to look  
14 at what is identified as Bureau Exhibit 12A  
15 specifically the second page of that Exhibit that has  
16 a page number E1 at the bottom of it?

17 THE WITNESS: Yes I see this.

18 EXAMINATION

19 BY MR. SHOOK:

20 Q And the -- I didn't ask the question.

21 A Okay.

22 Q Is this -- does this document help you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 recall what it was that you received from Mr. Sanchez  
2 via fax on March 13, 1998 which is Bureau Exhibit 12  
3 and refers to a model program list that Mr. Sanchez  
4 promised to send you?

5 A Yes. I -- looking -- from looking at this  
6 I can't say with certainty that I -- this is what I --  
7 that this was what I saw -- or was -- if my -- was  
8 faxed to me on -- on that date in March. I can't  
9 recall seeing this particular document.

10 Q Have you ever seen a document like this  
11 before?

12 JUDGE SIPPEL: For the first part of this  
13 question don't get hung up on this particular  
14 document, but have you seen -- does this look like a  
15 format of the document and it's the general subject of  
16 the document that you would have received from Mr.  
17 Sanchez in March of '98? Go ahead Mr. Duncan.

18 MR. DUNCAN: Well I would just be -- given  
19 the time -- given the long time frame we're talking  
20 about here I think that the question that Mr. Shook  
21 had on the table was do you ever recall having seen a  
22 document and I thought that's where you were going

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Your Honor, that looked something like this in this  
2 format. Did you ever -- and then see if we can narrow  
3 it -- nail it down to when?

4 JUDGE SIPPEL: Well that's fine.

5 MR. DUNCAN: I'm concerned that I don't  
6 know what the answer is to either question.

7 JUDGE SIPPEL: I think that's -- that's  
8 even a better way to start.

9 MR. DUNCAN: Okay.

10 JUDGE SIPPEL: Just answer Mr. Duncan's  
11 question first.

12 MR. DUNCAN: Do you ever recall seeing a  
13 document that looked like this document, this format,  
14 these kinds of instructions, not specific word for  
15 word necessarily but this kind of format?

16 THE WITNESS: At this time I just don't  
17 recall seeing a document with this format on it that  
18 I can recall. Although I would say that it looks very  
19 similar to one that I saw yesterday. I mean as far as  
20 just the layout of it. As far as a model -- that's --  
21 that's what I would -- that would be my answer right  
22 now.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 BY MR. SHOOK:

2 Q In terms of seeing something similar to  
3 what you saw yesterday --

4 A Yes.

5 Q Well, I just happened to --

6 A As far as the format.

7 Q I just happened to open up to something  
8 here. EB Exhibit 44, page 131.

9 JUDGE SIPPEL: That's page 131.

10 THE WITNESS: Yes this is --

11 MR. DUNCAN: Go ahead.

12 BY MR. SHOOK:

13 Q Go ahead

14 A Yes this is the one I've been referring to  
15 that I believe I saw -- that we -- I looked at  
16 yesterday.

17 Q Do you recognize this document as  
18 referring to Chuck Finney's program Your Legal Rights?

19 A Yes it -- yes it does. It seems to be  
20 regarding the period in time in '93 topics and issues  
21 covered in that period, 1993, regarding the Your Legal  
22 Rights Program.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Q       Now, looking at EB Exhibit 44, page 131  
2       does that help your recollection in any way in terms  
3       of whether or not you received the document similar to  
4       that from Mr. Sanchez in March of '98?

5           A       At this time I can't recall exactly what  
6       the document was that Mr. Sanchez -- the exact -- what  
7       pages made up that document in March of '98. If I got  
8       it from Mr. Sanchez I certainly would have reviewed  
9       anything from Mr. Sanchez. But I don't recall what it  
10      was exactly.

11           JUDGE SIPPEL: Well you don't have any  
12      question but that you did receive something from Mr.  
13      Sanchez?

14           THE WITNESS: Yes, I don't -- I don't have  
15      any questions.

16           JUDGE SIPPEL: So having received it you  
17      did look at it. It's just a question of whether or  
18      not --

19           THE WITNESS: I don't recall.

20           JUDGE SIPPEL: You can recall.

21           THE WITNESS: Right. I don't recall at  
22      this time what it was and what that specific fax was

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 at this -- you know what that -- what the -- what was  
2 on the pages of that fax.

3 JUDGE SIPPEL: You understand the question  
4 directed to you. Not that you -- we're not asking you  
5 do you recall literally what was on the page or pages  
6 -- we're trying to get a -- a much - a broader  
7 recollection on your part in terms of format, subject  
8 matter.

9 THE WITNESS: Okay.

10 JUDGE SIPPEL: Does that help you in any  
11 way?

12 THE WITNESS: I still don't have a  
13 recollection of it -- what it -- what was -- I don't  
14 recall.

15 JUDGE SIPPEL: All right.  
16 Well I think we ought to receive this in the record so  
17 that we can type -- you know we can see from his  
18 testimony what it is that he's speaking about. You  
19 know whether he's --

20 MR. SHOOK: Well, Your Honor, with the  
21 proviso that I'm going to have photocopied -- the page  
22 that I neglected to photocopy before I would request

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1       that the Bureau Exhibit EB 12A be received into  
2       evidence.

3               JUDGE SIPPEL: Is there any objections,  
4       Mr. Duncan?

5               MR. DUNCAN: No.

6               JUDGE SIPPEL: All right. I've heard --  
7       you know -- well it's received into evidence as 12A  
8       and you are -- with permission to add a third page to  
9       the document and you don't have to do that in open  
10      court -- just working with Mr. Duncan and the Court  
11      Reporter and I'd like a copy myself of course.

12              MR. SHOOK: Of course.

13              JUDGE SIPPEL: So it's received. 12A is  
14      now received in evidence as EB 12A. Thank you.

15                               (Whereupon, the document  
16                               referred to was marked for  
17                               identification and received  
18                               into evidence as Enforcement  
19                               Bureau's Exhibit No. 12A.)

20              We gave it the old college try Mr. Helgeson,  
21      right?

22              THE WITNESS: Yes sir.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. SHOOK: Mr. Helgeson, according to Ms.  
2 Sawaya's testimony SFUSD Exhibit T-3 at page 6, she  
3 started to work as KALW's General Manager on Thursday,  
4 March 1, 2001. Had she come to the station before  
5 March 1, 2001 to introduce herself?

6 THE WITNESS: Can I see her testimony for  
7 just a moment?

8 MR. SHOOK: Certainly.

9 THE WITNESS: Thank you.

10 MR. DUNCAN: Where are you? I'm sorry Mr.  
11 Shook.

12 MR. SHOOK: SFUSD Exhibit T-3 at page 6.  
13 For everybody's benefit the reason that I said  
14 Thursday, March 1 is that I was also referring to Ms.  
15 Sawaya's calendar -- daily calendar from March of 2001  
16 which showed March 1, 2001 as a Thursday. That's  
17 SFUSD Exhibit 16.

18 THE WITNESS: Okay I'm ready.

19 BY MR. SHOOK:

20 Q Both references?

21 A Yes.

22 Q Did you tell Ms. Sawaya about the Petition

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 to Deny filed by Golden Gate Public Radio only after  
2 she started to work at the station?

3 A On -- I did -- I only told her about  
4 station matters including Golden Gate Public Radio --  
5 the petition matter on March 1<sup>st</sup> -- or not before March  
6 1<sup>st</sup> that I can recall.

7 Q What did you tell her about the petition?

8 A I gave her a short status regarding the  
9 license renewal that I could recall up to that time.

10 Q Did you do that orally?

11 A I would have done it orally, yes in the  
12 office.

13 Q What, if anything, did you tell her about  
14 the Petitioners?

15 A I don't recall I specifically described  
16 them other than gave them the names of the people and  
17 mentioned that they had filed this petition. I don't  
18 recall if I got into a description of them  
19 particularly.

20 Q Did you tell Ms. Sawaya that Jason Lopez,  
21 one of GGPR's members still worked at the station?

22 A I told her that he was still involved at

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 the station and he was a -- he had a radio show on  
2 KALW.

3 Q What kind of reaction did she have to what  
4 you told her?

5 A I don't recall specifically what her  
6 reaction was. I think it was -- I don't recall  
7 specifically her reaction to it. She just wanted to  
8 know what -- what's going on; what do we need to -- in  
9 the course of -- in the sense of what's going on at  
10 the station I had told her about the license challenge  
11 and where the, as far as I knew, where the renewal  
12 application stood as far as I knew.

13 Q Did she express anger as a result of being  
14 informed that there was a Petition to Deny?

15 A I don't recall that she was angry -- that  
16 she expressed anger.

17 Q In explaining the current situation at the  
18 station, did you inform Ms. Sawaya about the FCC's  
19 February 5, 2001 letter?

20 A I would have told her about that at the  
21 time, yes and what steps -- what actions had been  
22 taken up to -- up to the time -- up until March 1.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           Q       With respect to that what did you tell  
2 her?

3           A       I told her that I received the letter from  
4 our attorneys. I'd been on the phone and discussed it  
5 with them asking them what we -- what I'd been -- what  
6 to do -- what we should be doing as far as responding  
7 -- what they wanted to do as far as responding to  
8 this, what we needed to do and I told her about my  
9 actions regarding bringing the public file up to date  
10 now.

11          Q       Did you show her the FCC's letter?

12          A       I don't -- at that -- this time recall if  
13 I actually put it right in front of her. I don't  
14 recall that.

15          Q       Was there some point during the first --  
16 during the next seven days when you did so?

17          A       Like I say I don't recall -- I don't  
18 recall specifically when I put the letter right in  
19 front of her.

20          Q       But you do have a recollection at some  
21 point of actually giving her the letter from the FCC?

22          A       I would not have -- no way would I need to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 keep it from her so I certainly would show her what we  
2 were working on and this is the basis of what we were  
3 working on.

4 So I could -- in that sense I don't think  
5 she -- she had any -- she, as far as I knew, knew  
6 about the letter. If I would have spoke about the  
7 letter she probably would have asked me to see it.

8 Q According to Ms. Sawaya's testimony SFUSD  
9 Exhibit T-3 of page 7, she and you spoke with Ernie  
10 Sanchez about the license challenge on March 2, 2001  
11 which would have been her second day at work. Do you  
12 recall having such a conversation?

13 A I recall being on the phone with Nicole at  
14 -- Nicole and I being from her office where she had a  
15 speakerphone and being on the phone with the attorneys  
16 virtually the first day or second day she was -- she  
17 was on the job. So that would -- that would be  
18 correct.

19 I've also seen a memo -- an e-mail I got  
20 from Ernie something to the effect of -- I think it's  
21 dated March 2<sup>nd</sup> -- something like nice talking with you  
22 and Nicole yesterday.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Q       Well if such an e-mail exists I haven't  
2       found it yet, but that's neither here nor there. Now  
3       in terms of the conversation that you and Ms. Sawaya  
4       had with Mr. Sanchez on the 2<sup>nd</sup> of March, do you recall  
5       any of the particulars of that conversation?

6           A       As I recall Ernie was explaining what he -  
7       - what he wanted. That what the FCC, according to him  
8       -- what the FCC wanted was to know that the public --  
9       that he would be able to respond to the FCC that the  
10      public file was now -- was now up to -- he could say  
11      to them -- the FCC -- that the public file is complete  
12      and up to date. That's the part I remember because  
13      that's the part I was certainly involved with at that  
14      time.

15          Q       Now, according to Ms. Sawaya's testimony  
16      she and you spoke with Mr. Sanchez on the 2<sup>nd</sup>. I've  
17      looked at Mr. Sanchez's bills, which is EB Exhibit 35  
18      and I don't see any reference to March 2<sup>nd</sup>. I was  
19      wondering if you knew how Ms. Sawaya was able to  
20      pinpoint March 2 as a date that you and she had called  
21      Mr. Sanchez and talked about the FCC's letter?

22          A       I'm not sure how -- what -- how she

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 referenced -- made that reference exactly. Although  
2 like I say, I think I -- like I say I think I saw an  
3 e-mail from Ernie saying nice to speak with -- you  
4 know thank you Ernie, nice talking with you -- you and  
5 Nicole yesterday.

6 Q We'll get --

7 A That maybe helped us you know pinpoint the  
8 day.

9 Q Right, about a month later but we'll get  
10 to it. It's about a month later we'll get to it.

11 A Okay.

12 Q I was just wondering if you had a note  
13 somewhere; there was a diary, a calendar, something  
14 that you saw that -- that could help pinpoint that how  
15 it was that March 2, 2001 was the date of this first  
16 conversation apparently between Nicole, yourself and  
17 Mr. Sanchez about the FCC's letter.

18 A I don't have any -- I didn't keep any kind  
19 of diary or calendar about that.

20 Q Now according to Ms. Sawaya's testimony,  
21 SFUSD Exhibit T-3, page 6, she convened her first  
22 staff meeting on March 2, 2001, the same day that this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 telephone call took place.

2 Can you tell us how it was that the staff  
3 meeting came about? Was this something that she sent  
4 out an e-mail to everybody or she just called people  
5 up? How did she convene this staff meeting?

6 A Let's see -- can I -- in her answer here  
7 it's on page 6. Just to see where it's at -- I want  
8 to read it for a moment.

9 Q It's lines 13 and 14 -- is where you'll  
10 find the statement in her testimony.

11 A Thank you.

12 MR. DUNCAN: What page is that again?

13 MR. SHOOK: SFUSD Exhibit T-3, page 6,  
14 lines 13 and 14.

15 JUDGE SIPPEL: You just have a question  
16 about that one sentence?

17 MR. SHOOK: No I really didn't have a  
18 question about the sentence. I had asked a different  
19 question but I'll probably have to ask it again.

20 THE WITNESS: Okay and the question was  
21 how did -- again, how did she --

22 BY MR. SHOOK:

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Q     How did notice of the meet -- how was  
2 notice of the meeting given?

3           A     I'm not sure how we put the -- how she put  
4 the word out about it.

5           Q     I mean she didn't stand in front of her  
6 office and scream staff meeting did she?

7           A     No -- no she didn't do that. I'm pretty  
8 sure she didn't do that. She may have given -- the  
9 staff is so small she might have told each person  
10 individually who was going to be on the premises on  
11 Friday.

12          Q     Did she notify all employees about the  
13 meeting?

14          A     I don't recall that she notified all the  
15 employees or just the ones who were assigned to work  
16 on that day.

17          Q     Did you attend the meeting?

18          A     I believe I attended that meeting, yes.

19          Q     Do you have any recollection as to how  
20 many people were in attendance?

21          A     No it was in our conference room so I  
22 don't remember exactly how many.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)



1           Q       How many people would your conference room  
2 comfortably handle?

3           A       Currently -- we got a table in there that  
4 would -- table -- conference type table that has eight  
5 chairs around it, might be able to fit in a couple of  
6 more.

7           Q       All right so if we were going to have the  
8 entire paid staff, there probably wouldn't have been  
9 room for everybody?

10          A       If the entire paid staff -- again this is  
11 the number of people who might have been working at  
12 the station on -- at that particular time. A lot of  
13 people who work at the radio station aren't  
14 necessarily there on Friday.

15                 They may be assigned -- they may be  
16 working, you know on Saturdays or Sundays and some  
17 people don't work on Fridays or on Friday during  
18 daytime hours. So the entire staff, I'm sure, wasn't  
19 there just because not everybody's available on  
20 Friday. So the exact number approximately wouldn't  
21 have been the entire staff.

22          Q       According to Ms. Sawaya's calendar, which

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 is SFUSD Exhibit 16 and in particular, page 2 one  
2 could interpret what she wrote there that the meeting  
3 was scheduled to go from 2:00 until 3:30 in the  
4 afternoon. Do you have any recollections as to how  
5 long the meeting went?

6 MR. DUNCAN: What's the date? I'm sorry -  
7 -

8 MR. SHOOK: March 2.

9 MR. DUNCAN: We're having trouble --

10 THE WITNESS: At this time I don't recall  
11 the exact time of the meeting -- the length of it.

12 MR. SHOOK: Was it a -- a long meeting, a  
13 short meeting? What kind of meeting we talking about?

14 BY MR. SHOOK:

15 A I think it was -- the length was  
16 uneventful in the sense of that I don't think it went  
17 on and on and on being really long and I don't think  
18 it was just a very, very short meeting of five  
19 minutes.

20 So, an hour would have been -- would  
21 probably have been -- sounds a bit -- I would say an  
22 hour meeting would probably be about right as far as

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 a normal length of however our meetings tended to be.

2 Q Well, now over the course of her tenure as  
3 General Manager, how often would Ms. Sawaya have staff  
4 meetings?

5 A We have meetings currently among the --  
6 what we consider the Administrative Staff I know and  
7 they go on maybe once every couple of weeks. The  
8 Administrative Staff consists currently of about four  
9 people only who attend that meeting.

10 I know there's some Production meetings  
11 that take -- that take place about once a week and  
12 they last about an hour.

13 Q This particular staff meeting, though, was  
14 it limited to Administrative Personnel?

15 A No, it wouldn't have been limited to  
16 Administrative Personnel.

17 Q Wouldn't -- wouldn't have this at least  
18 been -- part been Ms. Sawaya's opportunity to  
19 introduce herself to everybody?

20 A That's what I suspect that the main  
21 purpose of having the meeting right on March 2<sup>nd</sup> was,  
22 yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Q Was the fact of the license challenge  
2 noted at the meeting?

3 A I can't recall if that was brought up in  
4 the staff meeting.

5 Q Was the Commission's February 2001 letter  
6 noted at the meeting?

7 A I don't recall if that was brought up at  
8 the meeting.

9 Q Was Jason Lopez at the March 2, 2001 staff  
10 meeting?

11 A I don't recall if he was there.

12 Q Do you recall there being an occasion when  
13 you were in the presence of both Ms. Sawaya and Mr.  
14 Lopez?

15 A Do you mean being present -- you mean in  
16 a -- in a meeting with the two of them? Or that --  
17 what you mean by --

18 Q A group meeting, just the two of them  
19 standing around and you happen to be there. The two  
20 of them having a chance to interact with each other  
21 and you're there, whether it's in a group setting or  
22 not.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           A       I do recall them being -- being in the  
2 presence of both of them at the same time.

3           Q       Do you have any recollection as to  
4 approximately when that occurred?

5           A       What I recall was early on when she came  
6 to the station and I don't recall the exact date. We  
7 had a little -- I want to say off -- off at a  
8 restaurant nearby we had a little -- I would say a  
9 party -- an introduction party at which staff and  
10 volunteers were -- some staff and some volunteers were  
11 invited and I believe Jason was there that night.  
12 Nicole was there since it was a Welcome Nicole party -  
13 - Welcome Nicole Sawaya to KALW event.

14          Q       In terms of this event, do you have any  
15 memory as to how long it went on?

16          A       Again, it was like a -- it was like a  
17 little cocktail reception type party so maybe it went  
18 on for an hour and a half or two hours something.

19          Q       That wasn't the -- that didn't occur on  
20 Friday, March 2<sup>nd</sup> did it?

21          A       No, that wouldn't have been the Friday  
22 afternoon, no.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           Q       So this occurred at some later point in  
2 time this get together party?

3           A       I would say it -- within the first few  
4 weeks we were there -- when it occurred.

5           Q       Now was this -- is this kind of a party an  
6 unusual event?

7           A       I would say historically at KALW we don't  
8 tend to have a lot of social functions at the -- for  
9 the staff.

10          Q       So this was a relatively unusual event?

11          A       I would say that this was a relatively  
12 unusual event. I could say we could -- we could count  
13 -- I would say in the course of a year you'd have --  
14 you could count on one hand all the kind of social  
15 event functions that we'd have for KALW.

16          Q       Now was everybody supposed to pay for  
17 themselves in terms of what they drank?

18          A       The answer I believe is yes on that. We -  
19 - everybody paid for their own drinks.

20          Q       Okay, the station didn't spring for the  
21 party?

22          A       No, the station didn't spring for this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 party.

2 Q In this context this is where Ms. Sawaya  
3 and Mr. Lopez had an opportunity to at least look at  
4 each other?

5 A Yes, they did.

6 Q Did you notice whether any words were  
7 exchanged?

8 A I don't recall the -- what specifically  
9 was said between them in this -- on this occasion.

10 Q Well that really wasn't my question.

11 A Okay.

12 Q My question was did you notice whether any  
13 words were exchanged between them?

14 A Yes, I believe words were -- they -- they  
15 spoke to each other.

16 Q Was it a happy conversation?

17 A I don't remember what the -- I did -- I  
18 don't recall if it was a happy conversation or not.

19 Again, it was a social occasion it rather  
20 -- so I don't know that -- that was the context of the  
21 evening rather than a business meeting of some kind.  
22 So that might have had something to do with the -- the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 words being spoken too -- exchanged.

2 Q Now I'd like you to refer to EB Exhibit  
3 16.

4 A Which one is -- I'm sorry -- which one is  
5 16?

6 MR. DUNCAN: I think I've finally lost  
7 track. Where were -- where were the Nicole notes  
8 from?

9 MR. SHOOK: SFUSD Exhibit 16. You're talk  
10 - you're talking about the calendar right?

11 MR. DUNCAN: Yes and that's what you're  
12 directing his attention to?

13 MR. SHOOK: No, I'm directing his  
14 attention to EB Exhibit 16.

15 BY MR. SHOOK:

16 Q Have you seen EB 16 before today?

17 A I don't recall seeing this before today,  
18 no.

19 Q Were you aware that a request had been  
20 made to delay the response time to the FCC letter?

21 A I was aware of that, yes and I don't  
22 recall if it was either from the attorneys themselves

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)



1 or from Nicole Sawaya.

2 Q So in March of 2001 did you direct Mr.  
3 Sanchez to ask for more time to prepare responses?

4 A No, I did not direct him to do that, have  
5 no recollection of ever making that request of him.

6 Q If you didn't do you know who did?

7 A I have no recollection of anyone making  
8 that request of him.

9 Q Did you authorize Mr. Sanchez to ask for  
10 more time to prepare responses?

11 A I never recall asking -- authorizing him.  
12 To make that --

13 Q Do you know who did?

14 A I don't know of anyone who made that  
15 request of him -- authorized him.

16 Q He just didn't do this on his own did he?

17 A I really don't know if he did it on his  
18 own or not.

19 Q Well let's see, the last time, you know I  
20 gave this matter some thought it seemed to me that the  
21 client usually tells the lawyer what, you know he  
22 wants to have done or not done.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)